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09/552,262

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Jerry Dunietz

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EXAMINER

SMITH, PETER J

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,262

Applicant(s)

DUNIETZ ET AL.

Examiner

Peter J Smith

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 8/6/2004.
2. Claims 1-35 are pending in the case. Claims 1, 10, 12, 14, 16, 19, 24, and 32 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7, 9, 12-13, 16-23, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murashita, US 6,330,574 filed 3/30/1998 in view of “Open eBook Publication Structure 1.0” (hereinafter “Open eBook”) published 9/16/1999.**

Regarding independent claim 1 and dependent claim 9, Murashita teaches separating a tag from content with a separation variable and replacing a tag with an alias, wherein the alias is a pre-defined representation for the tag in col. 3 lines 12-33. What Murashita does not teach is inserting at least one flag within a tag to form an encode tag structure. Open eBook teaches inserting metadata information which could be at least one flag within a tag to form an encode tag structure in section 2.2 lines 7-12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to include the metadata insertion of Open eBook with the

Art Unit: 2176

tag replacement so that the information contained in the tags allows the program to process the document more effectively and in more detail.

Regarding dependent claim 2, Murashita teaches replacing at least one attribute type within the tag with an attribute alias, wherein the attributes alias is a predefined representation for the attribute type in col. 3 lines 12-33.

Regarding dependent claim 3, Murashita does not teach UTF-8 encoding the first encoded document to form a second encoded document. Open eBook does teach UTF-8 encoding the first encoded document to form a second encoded document in section 1.4.6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to use UTF-8 encoding taught by Open eBook to create a second document so that it only uses half of the space a UTF-16 document would require. This would have been desirable and beneficial for using less storage space and taking less time to transmit the file.

Regarding dependent claim 4, Murashita teaches compressing the second encoded document to form a compressed document in col. 3 lines 12-24.

Regarding dependent claim 5, Murashita does not teach inserting a position flag to indicate whether the tag is a start tag or an end tag. Open eBook teaches inserting metadata which could be a position flag and also teaches start and end tags in sections 2.2 and 3.1.5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been

Art Unit: 2176

obvious and desirable to include a position flag in the metadata to indicate the start or end of the content so that the program can more easily process the content.

Regarding dependent claim 6, Murashita does not teach inserting a word break flag between a left and right term of associated content. Open eBook does teach inserting additional metadata to describe the content which could include inserting a word break flag between a left and right term of associated content in section 2.2 lines 7-12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the invention as claimed. It would have been obvious and desirable include word break metadata in the tag so that the word breaks could have been easily located by the program.

Regarding dependent claim 7, Murashita does not teach inserting a no search flag in association with a portion of content information. Open eBook does teach inserting additional metadata which could be inserting a no search flag in association with a portion of content information in section 2.2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to include a no search flag metadata to enhance the performance of the program processing the document.

Regarding independent claim 12 and dependent claim 13, Murashita teaches identifying a tag within a document associated with a portion of content in the abstract. Murashita does not teach determining whether the portion is to be displayed for viewing by a reading device or if the portion is not to be displayed for viewing, inserting a no search flag in association with the portion. Open eBook does teach determining whether the portion is to be

Art Unit: 2176

displayed for viewing by a reading device in section 3.3 and if the portion is not to be displayed for viewing, inserting a no search flag in association with the portion in section 2.2 lines 7-12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to have combined the display determination and metadata insertion of Open eBook into Murashita so that the parts of the document not displayed do not consume processing time of the program for certain functions.

Regarding independent claim 16 and dependent claim 18, Murashita teaches locating a tag within an electronic document associated with a portion of content in col. 3 lines 17-19 and Fig. 3. Murashita teaches identifying a pre-defined integer alias for the tag in col. 3 lines 19-22 and in Fig. 3. Murashita also teaches replacing the tag with the alias in col. 3 lines 22-24 and in Fig. 3. Murashita does not specifically teach inserting at least one code character into the electronic document to separate markup language from content, but Murashita does teach separating the markup language from content in fig. 32 and 33 and inserting code characters into the electronic document in the abstract and col. 3 lines 7-42. Murashita also teaches discriminating between tags and document content in col. 3 line 51 – col. 4 line 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Murashita to have created the claimed invention. It would have been obvious and desirable to have inserted code characters before and after the tags so that the discriminating unit could have determined which portions of the document were content items and which parts of the document were markup language tags.

Art Unit: 2176

Regarding dependent claim 17, Murashita teaches locating an attribute type with a tag in col. 3 lines 17-19. Murashita discloses identifying a pre-defined attribute alias for the attribute type in col. 3 lines 19-22. Murashita also discloses replacing the attribute type with the attribute alias in col. 3 lines 22-24.

Regarding independent claim 19, Murashita teaches at least one tag having encoded therein a predefined integer alias for a tag in col. 3 lines 17-22. Murashita teaches a content portion associated with a tag in col. 3 lines 12-17. Murashita also teaches a code separating a tag from a content portion in col. 3 lines 22-24.

Regarding dependent claim 20, Murashita does not teach group of flags consisting of WORDBREAK, NOSEARCH, STARTTAG, and ENDTAG. Open eBook does teach adding additional metadata to the tags which could include a group of flags consisting of WORDBREAK, NOSEARCH, STARTTAG, and ENDTAG in section 2.2 lines 7-12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to have used the metadata additions taught by Open eBook to have increased the ability of the program to manipulate the document.

Regarding dependent claim 21, Murashita teaches at least one pre-defined attribute type alias in col. 3 lines 12-24.

Regarding dependent claim 22, Murashita does not teach UTF-8 encoding the markup language document. Open eBook does teach UTF-8 encoding markup language document in section 1.4.6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed

Art Unit: 2176

invention. It would have been obvious and desirable to use UTF-8 encoding taught by Open eBook to create a second document so that it only uses half of the space a UTF-16 document would require. This would have been desirable and beneficial for using less storage space and taking less time to transmit the file.

Regarding dependent claim 23, Murashita teaches a compressed markup language document in the abstract.

Regarding independent claim 32 and dependent claim 35, Murashita teaches receiving a document having a first format in col. 3 lines 12-33. Murashita also teaches processing a document to encode and pre-compute a markup language with the document in the abstract and col. 3 lines 12-33. Murashita teaches forming a converted document in the abstract and fig. 6. Murashita does not teach a document comprising a root directory and a content subdirectory having nested therein at least one linked content file providing content information relating to the converted document linked to the root directory. Open eBook does teach a document comprising a root directory and a content subdirectory having nested therein at least one linked content file providing content information relating to the converted document linked to the root directory in sections 2.2 and 2.3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to use the document format taught by Open eBook to improve Murashita so that the content could be better conveyed to a reader.

Regarding dependent claims 33 and 34, Murashita does not teach the Open eBook format or an electronic book document. Open eBook does teach both the Open eBook format

Art Unit: 2176

and an electronic book document in section 1.1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Open eBook into Murashita to create the claimed invention. It would have been obvious and desirable to have used the Open eBook format as well as an electronic book format to enhance Murashita so that the information is better conveyed to a reader.

5. Claims 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Open eBook Publication Structure 1.0” (hereafter referred to as Open eBook) published 9/16/1999 in view Murashita, US 6,330,574 filed 3/30/1998.

Regarding independent claim 24, Open eBook teaches a root directory and a content subdirectory having nested therein on linked content file providing content information relating to the electronic book linked to the root directory in sections 2.2 and 2.3. Open eBook does not teaches wherein the content file is pre-computed and encoded to minimize computational run-time requirements. Murashita does teach pre-computing and encoding a content file to minimize computational run-time requirements in the abstract and fig. 6. Murashita reduces the size of the document file and thus reduces the computational run-time requirements needed to utilize the document.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Murashita into Open eBook to have created the claimed invention. Open eBook was developed for providing documents as electronic books, including use in portable electronic books, which are generally understood to have less memory and computing power than traditional desktop computers. It would have been obvious and desirable to have

Art Unit: 2176

used Murashita to compress the size of an Open eBook document so that either the computing ability of a portable electronic book could have been reduced to save cost and reduce physical size, or to increase the size of documents that current portable electronic books could have stored and rendered.

Regarding dependent claim 25, Open eBook teaches at least one link destination index file linked to the content file in section 2.3.

Regarding dependent claim 26, Open eBook teaches a page break index providing an index of page break corresponding to the electronic book in sections 2.3, 2.5 and 2.6.

Regarding dependent claim 27, Open eBook teaches a metadata file linked to the root directory and having information about the electronic book in sections 2.3.

Regarding dependent claim 28, Open eBook teaches a manifest file linked to the root directory providing a listing of the files in the content subdirectory relating to the electronic book.

Regarding dependent claim 29, Open eBook teaches using at least one Cascading Style Sheet (CSS) file in section 4.

Regarding dependent claim 30, Open eBook teaches a metadata file linked to the root directory and having information about the electronic book in sections 2.2 and 2.3.

Regarding dependent claim 31, Open eBook teaches a digital rights management database linked to the root database in sections 2 and 2.1.

Art Unit: 2176

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Open eBook Publication Structure 1.0” (hereinafter “Open eBook”) published 9/16/1999 in view of Kucera et al. (hereinafter “Kucera”), US 4,864,502 patented 9/5/1989.

Regarding independent claim 10 and dependent claim 11, Open eBook teaches identifying a tag between a left and right term within a document in sections 2.2 and 3.1.5. Open eBook also teaches inserting additional metadata into a tag, in section 2.2 lines 7-12. It would have been obvious to one of ordinary skill in the art at the time the invention was made for one of ordinary skill in the art to have used the metadata ability of Open eBook to have placed a word break flag to separate two distinct words in the text.

Open eBook does not explicitly teach tagging a single word. Kucera does teach tagging a single word in col. 2 lines 54-64. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Kucera into Open eBook to create the claimed invention. It would have been obvious and desirable to tag single words so that the metadata could be as descriptive as possible of the document.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Open eBook Publication Structure 1.0” (hereinafter “Open eBook”) published 9/16/1999 in view of Edelman et al. (hereinafter “Edelman”), US 6,442,576 B1 filed 8/6/1997.

Regarding independent claim 14 and dependent claim 15, Open eBook teaches searching a manifest file for a file referenced by a Uniform Resource Locator (URL) in section 2.3. Open eBook does not teach identifying a URL within a document or if the file is identified with a reference string, replacing the URL with the reference string. Edelman does teach

Art Unit: 2176

identifying a URL within a document and if the file is identified with a reference string, replacing the URL with the reference string in col. 2 lines 33-50.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Edelman into Open eBook to create the claimed invention. It would have been obvious and desirable use the URL identification taught by Edelman and improve Open eBook so that the manifest file can be readily accessed through use of the identified URL. This would have increased the efficiency of the program processing the document.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murashita, US 6,330,574 filed 3/30/1998 in view of "Open eBook Publication Structure 1.0" (hereinafter "Open eBook") published 9/16/1999 as applied to claim 1 above, and further in view of Edelman et al. (hereinafter "Edelman"), US 6,442,576 B1 filed 8/6/1997.

Regarding dependent claim 8, Murashita in view of Open eBook does not teach replacing a URL within the content information with a reference string. Edelman does teach replacing a URL within the content information with a reference string in col. 2 lines 33-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Edelman into Murashita in view of Open eBook to create the claimed invention. It would have been obvious and desirable to utilize the URL replacement taught by Edelman in Murashita in view of Open eBook so that the document can be further compressed leading to less usage of storage space and shorter file transmission times.

Response to Arguments

9. Applicant's arguments filed 8/6/2004 have been fully considered but they are not persuasive. Regarding Applicant's argument in pages 10 and 11 that Murashita and Open eBook fail to teach the claimed limitation of "separating a tag from the content with a separation variable", the Examiner believes this teaching is found in Murashita. The notes from Applicant's specification that an example of a separation variable might be, for example, the integer 0x0000. Applicant's specification notes the special separation variable should not appear anywhere within the tag or elsewhere in the content. The Examiner interprets this separation variable as similar to the "<" and ">" symbols defining the bounds of a markup language tag and that the separation variable essentially replaces these when the tag is later replaced by an alias. Murashita does teach replacing markup language tags with an alias. The alias is smaller than the original markup language tag and thus consumes less space. Murashita must be able to discern a boundary between the markup alias and the content of the document and thus has a separation variable to define that boundary. If Murashita did not have a separation variable, it would not be able to discern between the markup alias and the other content of the encoded document. Therefore, the Examiner believes Murashita does teach the limitation of separating the tag from the content with a separation variable.

Regarding Applicant's arguments in pages 11 and 12 that Murashita and Open eBook fail to teach the claimed limitation of "inserting at least one flag within the tag to form an encode tag structure", the Examiner believes the teaching is taught by the combination of Murashita and Open eBook. Open eBook teaches an x-metadata element which includes one or more instances of a meta element, similar to the HTML 4.0 meta element. The metadata is information about

Art Unit: 2176

the content of the publication which aids a computer in processing the document. The metadata can enhance a search of the document by providing relevant search information about the content of the document. Therefore, the Examiner believes this leads to the teaching of “inserting at least one flag within the tag to form an encode tag structure by the combination of teachings of Murashita and Open eBook.

Regarding Applicant’s arguments in pages 12 and 13 that Murashita and Open eBook do not teach all of the claimed limitations of claims 12 and 13, the Examiner believes the combination of Murashita and Open eBook does teach the claimed limitations. Open eBook teaches that the rendering device may determine how the document is displayed and presented to the user and thus teaches determining whether a portion is to be displayed for viewing by a reading device. Open eBook teaches an x-metadata element which includes one or more instances of a meta element, similar to the HTML 4.0 meta element. The metadata is information about the content of the publication which aids a computer in processing the document. The metadata can enhance a search of the document by providing relevant search information about the content of the document. Therefore, the Examiner believes the combination of Murashita and Open eBook teach the limitations of claims 12 and 13.

Regarding Applicant’s arguments in pages 13-16 that Murashita and Open eBook do not teach the limitations of claims 16 and 17, the Examiner believes the claimed limitations are taught by the combination of these references. Murashita teaches inserting a markup alias into a document to replace markup tags. In order for Murashita to even function, Murashita must be able to identify and discriminate between markup alias data and document content. If Murashita is unable to discern between the two types of data, then it cannot function. Therefore a

Art Unit: 2176

separation boundary must exist and the motivation for the separation boundary to exist is to identify the markup alias successfully. Murashita does teach replacing a tag with an alias. If the tag has an attribute, then the attribute is reflected in the markup alias. Therefore, the Examiner believes in this light that Murashita teaches the claimed limitation separating the content from the markup alias.

Regarding Applicant's arguments in page 16 that Murashita and Open eBook do not teach the limitations of claim 19, the Examiner believes the claimed limitations are taught by the combination of these references. Murashita teaches inserting a markup alias into a document to replace markup tags. In order for Murashita to even function, Murashita must be able to identify and discriminate between markup alias data and document content. If Murashita is unable to discern between the two types of data, then it cannot function. Therefore a separation boundary must exist and the motivation for the separation boundary to exist is to identify the markup alias successfully. Therefore, the Examiner believes in this light that Murashita teaches the claimed limitation separating the content from the markup alias.

Regarding Applicant's arguments in page 17 that Murashita and Open eBook do not teach the limitations of claim 32, the Examiner believes the combination of the two references does teach the claimed limitations. The Open eBook document standard describes a structure for representing the content of electronic books. One example of a document root directory could be a table of contents, which points to chapter subdirectories each containing a related collection of text and images. Specifically, Open eBook teaches a manifest in section 2.3 which provides a list of all the contents of the document. This manifest is a root directory which points to the

Art Unit: 2176

content subdirectories of the document. Therefore, the Examiner believes that Open eBook and Murashita teach the limitations of claims 32-35.

Regarding Applicant's arguments in pages 17 and 18 that Murashita and Open eBook do not teach the limitations of claim 24, the Examiner believes the combination of the two references does teach the limitations of claim 24. The Open eBook document standard describes a structure for representing the content of electronic books. One example of a document root directory could be a table of contents, which points to chapter subdirectories each containing a related collections of text and images. Specifically, Open eBook teaches a manifest in section 2.3 which provides a list of all the contents of the document. This manifest is a root directory which points to the content subdirectories of the document. Therefore, the Examiner believes that Open eBook and Murashita teach the limitations of claims 32-35.

Regarding Applicant's arguments in pages 18 and 19 that Open eBook and Kucera do not teach the limitations of claims 10 and 11, the Examiner believes the combination of these two references does teach the claimed limitations. Open eBook teaches an x-metadata element which includes one or more instances of a meta element, similar to the HTML 4.0 meta element. The metadata is information about the content of the publication which aids a computer in processing the document. The metadata can enhance a search of the document by providing relevant search information about the content of the document. Therefore, the Examiner believes the combination of Open eBook and Kucera does teach the limitations of claims 10 and 11.

Regarding Applicant's arguments in pages 19 and 20 that Open eBook and Edelman do not teach the limitations of claims 14 and 15, the Examiner believes the combination of the two references does teach the claimed limitations. Edelman teaches that the an element may be

Art Unit: 2176

embedded within another element in col. 2 lines 45-50. Thus an element may be a portion or part of another element. Therefore, the Examiner believes the combination of Open eBook and Edelman teaches the limitations of claims 19 and 20.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 703-305-5931 (571-272-4101 after 10/20/2004). The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 703-305-9792 (571-272-4090 after 10/20/2004).

Art Unit: 2176

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
October 13, 2004



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER